S.B.CIVIL WRIT PETITION NO.3705/2007

Kashi Ram
V.
Board of Revenue for Rajasthan, Ajmer & Ors.

Date of Order :: 5th September, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Kishan Bansal, for the petitioner.

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By this petition for writ a challenge is given to the validity, correctness and propriety of the order dated 3.3.2006 passed by the Board of Revenue for Rajasthan, Ajmer accepting the revision petition preferred by respondent Shri Kashi Ram.

While giving challenge to the order aforesaid, the contention of counsel for the petitioner is that the Board erred while accepting the revision petition as the issue with regard to option of land that was to be surrendered is still open and that was to be adjudicated and decided by the Sub Divisional Officer.

I do not find any substance in the contention so raised. The Board of Revenue by order impugned in specific terms observed that the issue with regard to option of the land that is to be

surrendered is between the petitioner and the respondent who are the real brothers can very well be decided by filing a separate suit as it is not in continuation to the ceiling proceedings. So far as ceiling proceedings are concerned, those were against Shri Peetha Ram, father of the petitioner and respondent Shri Rai Singh and that has acquired finality. The lis now survives with regard to option of the land is between the brothers and that can be very well decided by separate proceedings. In such circumstances I am of considered opinion that the order impugned does not suffer from any error that may warrant interference of this Court under Article 227 of the Constitution of India.

The writ petition is accordingly dismissed.

( GOVIND MATHUR ),J.

Kkm/ps.